

SEP 24 2013



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Coastal and Land Use Planning

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

**Highlands Applicability and Water Quality Management Plan (WQMP) Consistency
Determination Application Form**

Notice of Technical Incompleteness

Certified Mail #7005 0390 0001 8551 8882

Return Receipt Requested

Tom Esposito
Marceil, LLC
70 Pine Brook Road
Towaco, New Jersey 07082

SEP 18 2013

Re: Marceil Redevelopment
Block: 2801, Lot: 78
148 Sand Shore Road
Mount Olive Township, Morris County
Upper Raritan Water Quality Management Plan (WQMP)
Program Interest No.: 435434
Activity No.: CSD130014

Dear Mr. Esposito:

Your application dated July 12, 2013 and received on July 23, 2013 was deemed to be administratively complete on August 1, 2013. During the technical review of the application, it was determined that additional information will be necessary for the Department of Environmental Protection (Department), Division of Coastal and Land Use Planning to complete the Highlands Applicability and Water Quality Management Plan Consistency Determination review.

The application includes a request for an exemption under N.J.A.C. 7:38-2.3(a)2., for the proposed construction of a single family dwelling on a lot in existence on August 10, 2004, provided that construction does not result in the ultimate disturbance of one or more acres or a cumulative increase in impervious surface by one-quarter acre or more.

Ultimate disturbance consists of the area of disturbance proposed by a project as well as all existing disturbance including, but not limited to, existing structures and areas of deforestation. Where a formal Highlands Applicability Determination is being sought from the Department that a project is not regulated on the basis that it either is not a "Major Highlands development" under N.J.A.C. 7:38-1.4 or is exempt under N.J.A.C. 7:38-2.3(a)2., the Department has an obligation to ensure that these thresholds are not exceeded now or in the future. Therefore, the Department will require as part of the application a metes and bounds description of the total area of the site to be disturbed which must be limited to less than one acre, and require that a Department approved Notice of Highlands Applicability be placed on the balance of the site as a condition of the determination. This will ensure that future owners are made aware of the restriction thereby avoiding the prospect of accidental violation of the Highlands Act. Where site disturbance already equals or exceeds the one acre threshold, in order for new residential construction to qualify for these exemptions, previously disturbed areas beyond the allowable less than one acre must be restricted from future disturbance including mowing, unless that area is exempted by virtue of being an agricultural or horticultural use as defined at N.J.A.C. 7:38-1.4. If a Notice of Highlands Applicability is required as a condition of your applicability determination, you will be notified in your determination letter.

The additional items of information required are listed below:

- A letter from the Musconetcong Sewer Treatment Plant verifying the existence and extent of wastewater collection infrastructure on August 10, 2004, and that adequate capacity is available, with a written commitment to service the proposed project; OR if the current residential homes on the subject property are utilizing an existing sanitary sewer connection, please submit a bill directly from the Musconetcong Sewer Treatment Plant (the 2011 tax for sewer on Certificate of Sale No. 12-00030 is not direct proof that there is an existing lateral connection) or a letter from the Musconetcong facility indicating that there is currently an existing connection to the property and the facility commits to servicing the proposed project.
- Copies of the certify mail receipts proving that a copy of the submittal that you send in response to this letter, as well as supporting information, has been sent to the Township Clerk and the Highlands Council as per N.J.A.C. 7:38-9.2(b)5.

Please be advised that you have 30 days from the date of receipt of this letter to submit the information required above. If after 30 days the required information is not submitted or fails to satisfy the deficiencies listed above, you will be issued a determination based on the information included in your current application, which may result in a Not Exempt determination. Please include a copy of this letter with the additional required information that you submit.

Please place the program interest number and the activity number found above at the top of all written correspondence submitted to the Division of Coastal and Land Use Planning. Should you have any questions regarding this matter, you may contact me at (609) 984-1796.

Sincerely,



Laura Eudell

Division of Coastal and Land Use Planning

c: Mark Gimigliano, P.E., Dykstra Walker Design Group
Mount Olive Township Clerk
Mount Olive Township Construction Official
Mount Olive Township Environmental Commission
Mount Olive Township Planning Board
Morris County Planning Board
Morris County Environmental Commission
New Jersey Highlands Council
Division of Coastal and Land Use Planning - File

Copy via Email:

Barbara Greenhalgh-Weidman, NJDEP, Division of Coastal and Land Use Planning

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